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SUBJECT: NUCLEAR SAFETY: REPORT OF THE THIRD MEETING OF THE JOINT  
CONVENTION ON SPENT FUEL AND RADIOACTIVE WASTE, MAY 11-20, 2009 -  
SUCCESSFUL COUNTRY REVIEW GROUPS WITH CHANGES TO RULES OF PROCEDURE

REF: 08 UNVIE 663 (NOTAL)

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SUMMARY

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¶1. The Third Review Meeting of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management was broadly successful for U.S. interests. The meeting was more widely attended than last time, and the quality of the national reports and the discussions were much better than in the past, indicating greater attention and focus on waste issues. Interesting items raised at this meeting included: a desire for regional repositories; increased attention to contamination from uranium milling and mining sites; increased desire for clearance levels; and positive steps by former Soviet Union countries to take responsibility for legacy wastes.  
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¶2. Six Country Review Groups took place during the first week of the conference. In general, reviews went very well, with Contracting Parties providing well thought-out presentations, including often candid and transparent interaction among the countries during the question and answer period (paras 27-33). U.S. technical side meetings with Contracting Parties resulted in Follow Up Action Items (para 16).

¶3. Rapporteur Reports generally reflected the deliberations (paras 34-39). A number of cross-cutting trends emerged (paras 13-14). Three Open-ended Working Group (OEWG) Sessions were held, to discuss seven topics: (1) Policy Makers Topic Meeting; (2) Data Presentation Tool for Joint Convention National Reports; (3) Improvements in Selection of Conference Officers; (4) Joint Convention Leadership; (5) Knowledge Transfer and Continuity between Review Meetings; (6)

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Improving Interaction Between Meetings, and (7) Clarification of procedures for replacing officers if they are unable to perform their duties (paras 16-19). Both the "Summary Report of the Third Review Meeting of the Contracting Parties" and the "Report of the President of the Third Review Meeting" were made publicly available.

¶4. Under the agenda item Other Business, a French proposal to take up a debate on opening the Review Meetings to the public was blocked by a U.S. Intervention(para 38).

¶5. The U.S. Representative participated in an interview, at the request of reporter Ann MacLachlan, arranged by the UNVIE Mission press officer. The interview appeared in the May 28, 2009 McGraw-Hill Platts publication "Nucleonics Week," along with comments from the press conference held by the three Joint Convention Officers.

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Broad Participation  
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¶6. The Third Review Meeting of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Joint Convention) took place on May 11-20, 2009, at the IAEA, in Vienna, Austria. Janet Gorn, Senior Foreign Affairs Officer, Department of State served as Head of Delegation for 16 U.S. attendees. Frank Marcinowski, DOE Deputy Assistant Secretary for Regulatory Compliance, served as Joint Convention Vice President and Chairman of the Open-ended Sessions, and Mary Bisesi, Program Analyst, DOE Office of Disposal Operations, served as Joint Convention Coordinator for Country Group One.

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¶7. Forty-four of the forty-eight Contracting Parties attended the meeting. Countries not in attendance were: Kyrgyz Republic (no report), Tajikistan (submitted report and answered questions), Uruguay (no reports), and Uzbekistan (no report-recently ratified). Portugal submitted its ratification credentials during the second week of the conference, becoming the 49th Contracting Party.  
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¶8. IAEA DDG TANIGUCHI REMARKS: Tomihiro Taniguchi, IAEA Deputy Director General and Head of the Department of Nuclear Safety and Security noted the Review Meeting marked almost ten years of implementation as an important element within the Global Nuclear Safety and Security Regime. His opening remarks initially focused on the importance of initiating a concerted effort to increase the membership of the Contracting Parties in the Joint Convention, in particular on identifying ways to better facilitate new membership.

¶9. REVIEW MEETING PRESIDENT'S REMARKS: Kunihiro Soda, the Joint Convention President, welcomed seven new Contracting Parties: China, Kyrgyzstan, Nigeria, Senegal, South Africa, Tajikistan and Uzbekistan. He then focused on the need to bring in new Contracting Parties, noting that only one-third of IAEA Member States are Parties to the Joint Convention. Mr. Soda urged Parties to provide feedback on the review process for the 3rd Meeting and the Open-ended Work Group discussion regarding knowledge transfer from meeting to meeting. He then reviewed the summary report of Mr. Andre-Claude Lacoste, Chairman of the 3rd Organizational Meeting.

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¶10. AGENDA ITEMS. The agenda was adopted with minor changes. There were no late ratifiers. The IAEA legal counsel reported that not all Parties had completed filing credentials. Invitations were issued to the OECD/Nuclear Energy Agency and the European Bank for Reconstruction and Development (EBRD) to attend the 3rd meeting as Observers. The EBRD commented on its appreciation for the invitation, which provided an opportunity to learn more about spent fuel (SF) and radioactive waste (RW) management programs in support of EBRD's management of six financial funds in this area.

¶11. The Joint Convention President announced, in addition to the replacement of the Canadian Country Group Chairman, there were four Contracting Parties not in attendance: Kyrgyzstan (no report), Tajikistan (submitted report and answered questions), Uruguay (no reports), and Uzbekistan (no report-recently ratified). Senegal noted it had recently ratified the Joint Convention, but it did not submit a National Report. Senegal's intention was to observe the Country Group review process to draw guidance for preparation of its National Report for the Fourth Meeting. Contracting Parties supported Senegal's participation strategy, and suggested it would be beneficial for Parties if Senegal could also give a brief oral review of its program. (NOTE: Portugal submitted its ratification instrument during the meeting, becoming the 49th Contracting Party.)

¶12. The Parties agreed to seven Open-ended Working Group (OEWG) topics: (1) Policy Makers Topic Meeting; (2) Data Presentation Tool for Joint Convention National Reports; (3) Improvements in Officers' Selection; (4) Joint Convention Leadership; (5) Knowledge Transfer and Continuity between Review Meetings; (6) Improve Interaction Between Meetings and (7) Clarification of procedures for replacing officers if they are unable to perform their duties. Frank Marcinowski (USA) was confirmed as the OEWG chair.

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¶13. Opening Remarks were presented in the OEWG by the United States and Japan. U.S. remarks focused on strengthening the worldwide safety culture through Contracting Party support for the Joint Convention Regional Conference Initiative, noting the U.S. had contributed \$230,000 in the past three years and allocated another \$80,000 for 2009. Japan in its opening remarks focused on its contribution in Asia by taking advantage of opportunities to provide financial and human resources, in the area of nuclear safety, spent fuel, and radioactive waste management, in particular activities in the Forum for Nuclear Cooperation in Asia (FNCA) and the Asia Nuclear Safety Network (ANSN).

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Overview of Country Group Sessions  
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¶14. In general, Country Group National Report reviews went remarkably well, with Contracting Parties providing well thought-out presentations utilizing the Organizational Meeting agreed format. Interaction among the countries during the question and answer period was often candid and generally transparent.

¶15. Emerging Trends: The U.S. delegation noted the following trends of interest to all Country Review Groups:

- Although a number of Contracting Parties are not formally planning a permanent disposal strategy, they indicated a willingness to participate in a regional solution for the management of spent fuel and radioactive waste. However, it was not apparent that any will volunteer to host an international disposal facility in the near term.
- In the past, the IAEA Secretariat has used "euphemisms" for a

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concerted effort to have its International Safety Standards adopted for global application. At this meeting, the popular term was "linkages;" careful attention should be paid to the use of this term in the context of discussions involving the IAEA Safety Standards.

- Recruitment of new workers and retention of current workers has become a significant issue in trying to keep staff-level competencies in the regulatory bodies; human resources to provide technical expertise and fill skills gaps constitutes a critical issue.
- Parties are emphasizing public involvement, and in particular public acceptance, in making decisions regarding long-term waste management.
- There has been a concerted effort to give the public and other stakeholders a voice in the licensing process for siting and selection of radioactive waste and spent fuel disposal and centralized storage facilities.
- A number of Contracting Parties have indicated some difficulties as a result of the current economic situation; they are seeking financial and other assistance either bilaterally or from international organizations such as the IAEA.
- A number of former Soviet Union countries are acknowledging that the Russian Federation is not going to assist with legacy wastes remaining in these countries in a timely fashion, so they are taking responsibility to address these issues themselves.
- A number of Contracting Parties rely on energy tariffs to generate liabilities funds; the need for energy keeps these funds well endowed.
- Parties are upgrading existing waste management facilities, either to address deficiencies or to extend the facility capacity and lifetime.
- Parties are putting more attention and resources into addressing legacy contamination issues, such as those from uranium mining and milling.

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- Parties are implementing systems for tracking, controlling, and managing sealed sources; most Parties have made significant strides to account for and secure disused/orphaned sealed sources. A number of Contracting Parties have focused greater efforts on the disposition and management of disused radioactive sealed sources; returning sources to the foreign manufacturers is the preferred alternative. Many have developed electronic tracking systems and software to better track these sources throughout their lifetime.
- Funding and preparation for repositories for both spent fuel/high-level waste and Low and Intermediate Level Waste (LILW) remain topics of interest.
- Most Parties with nuclear power plants have worked hard on regulatory transparency and openness.
- Several countries are considering launching nuclear power programs; the 3rd Review Meeting expressed a strong recommendation that spent fuel and radioactive waste management be factored into

the initiative right from the beginning.

- Some Contracting Parties are facing near-term constraints in terms of storage capacity for their spent fuel and radioactive waste; additional storage, treatment, conditioning or disposal solutions will be needed over the next decade.

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Follow Up Action Items for U.S.  
Delegation from Technical Side Meetings  
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¶16. Seven Contracting Parties consulted with the U.S. Technical Team during questions and answers on the U.S. presentation or on the margins of the conference regarding USG assistance and/or contact information. Follow Up actions resulting from the Review Meeting are:

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- R. Gray, Health and Safety Executive (UK) requested information on safety metrics for safety and operational trends.
- K. Suyama, Ministry of Education, Culture, Sports, Science and Technology (Japan) requested additional information on the National Source Tracking System and details on establishing a tracking system.
- C. Ruiz, Consejo de Seguridad Nuclear (Spain) requested the Congressional Report on demonstration of interim storage of spent fuel - Completed.
- O. Phillips, National Nuclear Regulator (S. Africa) requested exchanges with NRC and DOE on the topic of remediation and decommissioning by means of existing bilateral agreements - in progress.
- P. Torbijn (Netherlands), Ministry of Housing, and Spatial Environment, requested information and a NRC staff contact on U.S. regulations regarding Financial Assurances.
- S. Nakayama, Japan Atomic Energy Agency (Japan) requested information on U.S. procedures for clearing material from regulatory control, particularly the release of metals for the purpose of recycling.
- M. Yamada, Japan Nuclear Energy Safety Organization (Japan), requested information on U.S. regulatory requirements related to mixed radioactive and hazardous waste.

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Open-ended Working Group Sessions  
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¶17. Frank Marcinowski chaired the OEWG on May 12-14, 2009. Approximately half of the contracting parties participated. Six proposals had been recommended for the OEWG's consideration and action and agreed prior to the Review Meeting. In addition, Mr. Koblinger (Hungary) made a seventh proposal that the OEWG evaluate

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whether the Joint Convention operating procedures require revision to clarify procedures for replacing officers if they are unable to perform their duties. This was agreed and considered by the OEWG.

Five of the seven proposals affect changes to the Rules of Procedures.

¶18. OEWG Session I: Topics (1) Policy Makers Topical Meeting and (2) Data Presentation Tool for Joint Convention National Reports (May 12, 2009);

¶19. TOPIC (1) POLICY MAKERS TOPICAL MEETING. The first proposal, authored by the United Kingdom (UK) suggested a policy makers' topical meeting at the Fourth Review Meeting of the Parties. The proposal recognized that licensing decisions and policy making may be handled by different entities within the governmental organization of a given state. The regulatory body may not be the decision maker for policy nor even for specific authorization. How a given Contracting Party functions within the context of the Joint Convention may, therefore, not be exactly consistent with the letter of the Joint Convention provisions. There was a lengthy discussion



at the OEWG to understand the proposal. A suggestion was made to select one or more challenges from this Review Meeting to provide a tangible context for examining the role of policy makers in the Joint Convention. The UK agreed to further develop this proposal and to present it by the time of the next Organizational Meeting.

RESULT: Proposal accepted as written. Adopted by consensus in the Closing Plenary.

¶20. TOPIC (2) DATA PRESENTATION TOOL FOR JOINT CONVENTION NATIONAL REPORTS. The second proposal, by the U.S., was developed in conjunction with Netherlands, Spain, Czech Republic, Germany and IAEA to allow voluntary use of an electronic data presentation tool

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(the Net-Enabled Waste Management database, or NEWMDB) , to be provided by the Secretariat to the Contracting Parties, for development of portions of the Joint Convention National Reports. The OEWG decided to have the IAEA Secretariat make it available to contracting parties to use on a voluntary basis; no meeting is needed to further develop or explain the tool. If a Contracting Party opts to use the voluntary tool, it is the responsibility of the Contracting Party to ensure the information provided to the Secretariat and retrieved from the NEWMDB is accurate and of the right time period for the National Report. Each Contracting Party shall determine who has access to its information in the reporting tool. The Secretariat will develop and make available guidance on how to use and deploy the tool.

RESULT: Proposal was accepted with some clarifications. Adopted by consensus in the Closing Plenary.

¶21. OEWG Session II: Topics (3) Improvements in Officers' Selection and (4) Joint Convention Leadership (May 13, 2009)

-- TOPICS 3 AND 4. Proposals 3 and 4 as originally proposed separately by the UK and the U.S. were combined into a single proposal after considerable discussion, and treated as one proposal during the final OEWG session on May 14. Several amendments were offered to provide additional clarity and improve the enhanced process based on experience at the October 2008 Organizational meeting. The resulting proposal recommends changes to INFCIRC/603 to (reftel) improve and clarify the selection process for Officers of the Joint Convention. Not later than two months before the Organizational Meeting, as part of such nomination, a Contracting Party shall provide, in writing, relevant biographical information on the candidate, the qualifications of the candidate, the issues that should be addressed by the Contracting Parties during the next

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three years and the position of the candidate on those issues. Each candidate for the elective places, or their representative, shall have the opportunity to make a short oral presentation to the Contracting Parties at the Organizational Meeting that addresses the items in the material supporting their candidacy and shall answer questions from the Contracting Parties. Contracting Parties will endeavor to reach consensus on the President and Vice President from the candidates nominated in accordance with the above process. Contracting Parties are encouraged to nominate candidates for President, Vice-President, Chairs, Vice-Chairs, Rapporteur, or Coordinator and to indicate the extent to which the candidates are willing to be considered for other elective places in the event that they are not elected to their first choice.

¶22. The U.S. provision folded into the proposal clarified that there are no formal or informal requirements or restrictions in the Joint Convention itself, its Rules of Procedures, or elsewhere treating who may be an officer. The U.S. text provided that the Rules of Procedure should encourage diversity in selection of officers, to ensure a broad range of experiences and perspectives to achieve the objective of the Joint Convention. Consensus was reached on the combined proposal, by Contracting Parties, with the exception of France which did not agree with the language from the U.S. proposal.

¶23. Many contracting parties expressed support for the views that there are no restrictions on who may be an officer; that officers may be government officials with policy, regulatory, or management responsibility for the safety of spent fuel management and/or radioactive waste management; and, that diversity among Joint Convention Officers results in a broad range of experiences and perspectives, enhancing leadership skills in achieving the objectives of the Joint Convention. However a number of contracting

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parties expressed concerns that the language on diversity might be viewed as mandating a mechanistic balancing formula and complicate the already complex process to fill the officer positions. It was noted that diversity could be encouraged by a more general provision. There was general agreement that candidates should have experience with the objectives of the Joint Convention, and that participation in a prior meeting, although useful, is not essential.

The U.S. delegation expressed the view that preference should not be accorded to individuals with a specific background. Text on inclusion of a broad cross section of government officials was adopted as part of the joint U.S.-UK proposal so there would be no need for a separate proposal to revise the guidelines. Thus, a combined proposal 3 and 4 was considered as discussed above.

¶24. TOPICS 3 AND 4 RESULT: The French delegation blocked consensus in the Closing Plenary on including U.S.-proposed clarifying language in the Rules of Procedure. There were two interventions, from Estonia and Finland, in support of the French position that the President of the Review Meeting must be a regulatory official. Finland suggested that a regulator would foster public confidence. Interventions from the U.K., Canada, Spain, Japan, and Switzerland supported the U.S. position. To find a path forward, the U.S. proposed to remove the proposed clarifying clause in the main Rules of Procedure, and insert clarifying text in the "Note on Qualifications of Officers." Unable to reach an agreeable middle ground on this important procedural matter, and to avoid a call for a vote, the President called a recess to convene a side meeting of the Representatives of the U.S. and French delegations and any other interested Parties. After lengthy deliberations between the U.S. and French Representatives, the U.S. suggested it was important to consider the views of all Parties, and it would be agreeable to remove the U.S. clarifying clause proposed for the Rules of Procedure Note, if France would agree to include language in the

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President's Report. France agreed to the U.S. recommendation, which was supported by Contracting Parties' unanimous consensus during review of the draft President's Report in the Closing Plenary. As a result, the President's Report text stated that "other than the qualifications of officers highlighted in the Annex if INFCIR/603/Rev.3, there were no formal or informal restrictions on who may serve as an officer of the Review Meeting. In addition, the Meeting expressed the view that experience in a prior meeting may be useful but not essential and that diversity among officers may result in a broader range of experience and perspectives for achieving the objectives of the Joint Convention. With regard to the office of the President, some Contracting Parties felt that preference should be given to regulators whereas others considered that the emphasis should be on the individual's substantive experience, it was the prerogative of each contracting Party to decide whom to nominate to serve as President and that the Contracting Parties were free to choose among the nominees for President presented at the Review Meeting." (See paras 29-32, of the "Report of the President of the Third Review Meeting.")

¶25. OEWG SESSION III: Topics (5) Knowledge Transfer and Continuity between Review Meetings, (6) Improve Interaction Between Meetings, and (7) Clarification of procedures for replacing officers if they are unable to perform their duties (May 14, 2009).

¶26. TOPIC (5) KNOWLEDGE TRANSFER AND CONTINUITY BETWEEN REVIEW MEETINGS. Proposal 5 by Canada suggested changes to INFCIRC/602 and INFCIRC/603 to improve the peer review process by maintaining

institutional knowledge and continuity of officers between Review Meetings. There was considerable support from the Parties, but they felt that the details of the proposal needed additional scrutiny. Canada worked with the IAEA Secretariat to bring a revised proposal to the closing plenary. This recommendation included the following

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provisions: Officers elected at one Organizational Meeting should remain as Officers until they are replaced at the next Organizational Meeting; elections of President and Vice-Presidents be moved to the last agenda item of the Organizational Meeting. A workshop, chaired by the outgoing President, of incoming and outgoing Officers should be held following the Organizational Meeting. The Secretariat should prepare a guidance document for the incoming Officers. To allow more time for the preparation of incoming Officers, the next Organizational Meeting should be held in May 2011. The General Committees of the Joint Convention and Convention on Nuclear Safety have a knowledge transfer meeting in 2010.

127. TOPIC 5 RESULT: The proposal by Canada was accepted with minor editorial corrections; the United Kingdom's request that a joint meeting of the General Committees of the Joint and Nuclear Safety Conventions was not within the protocol of the President's Report without prior mutual consent from the Nuclear Safety Convention. Adopted by consensus in the Closing Plenary.

128. TOPIC (6) IMPROVE INTERACTION BETWEEN MEETINGS. Proposal 6 by the United States suggested improved interaction of Contracting Parties between review meetings. The proposal requests the Secretariat to take actions which establish continuity and ongoing dialogue between Review Meetings, supporting sustained momentum toward meeting the objectives of the Joint Convention. France suggested a possible complementary approach which by mutual agreement was incorporated into the U.S. proposal. The Secretariat should promptly investigate and initiate innovative means to establish continuity and ongoing dialogue between Review Meetings among the Contracting Parties and General Committee members. These initiatives include, but are not limited to: an annual newsletter, regular and more frequent meetings of the General Committee, and

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innovative electronic communications methods, e.g., improvements to the Joint Convention Website for web-based meetings and enhanced sharing of information and lessons learned. The recommendation requests the Secretariat to host a meeting for the Contracting Parties to discuss recommendations to enhance continuity and ongoing dialogue between meetings no later than June 2010.

129. France suggested that a complementary means to achieve this goal could be to request the Secretariat to organize meetings, open to all member States, between two review meetings to address specific topics identified at the Review Meeting. Taking into account discussions during the country sessions, the following specific topics may be of mutual interest for example: definition and implementation of a comprehensive plan for the management of spent fuel and radioactive waste; management of very low level waste and implementation of clearance thresholds; establishment of agencies in charge of the management of spent fuel and radioactive waste; and management of graphite waste coming from UNGG (old gas-cooled graphite) reactors

130. TOPIC 6 RESULT: The U.S. portion of this proposal was accepted with minor clarification of the IAEA Secretariat's action to undertake these continuity and ongoing dialogue initiatives. The French portion was modified and was characterized as not significantly affecting what the Secretariat could do within its responsibilities and role in the context of the Joint Convention Secretariat. Adopted by consensus in the Closing Plenary.

131. TOPIC (7) CLARIFICATION OF PROCEDURES FOR REPLACING OFFICERS IF THEY ARE UNABLE TO PERFORM THEIR DUTIES. Proposal 7 recommended amendments to the duties of the Country Group Vice-Chair and was introduced by Mr. Koblinger. It provides changes to INFCIRC/602 to



amend the duties of the Country Group Vice-Chair so as to allow

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Vice-Chair to replace the Rapporteur should he/she become unavailable. Should the Rapporteur become unavailable to attend the Review Meeting, the Vice-Chair of the Country Group shall be assigned the role of Rapporteur. He further proposed the amendment of INFCIRC/602/Rev. 2 to avoid a Vice-Chair being assigned to country groups of which his or her country is a member.

¶32. TOPIC 7 RESULT: Although acknowledging Brazil's observation that the proposal would still present some concern regarding the perception of a replacement for Chairperson in a Country Group reviewing that Chairperson's Contracting Party, the President indicated that this was the best that could be done under the circumstances, when a Chairperson is unable to perform the duties of that office. Adopted by consensus in the Closing Plenary.

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Closing Plenary  
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¶33. The first day of the Closing Plenary heard the reports of the six Country Group Rapporteurs. There were few questions or comments on any reports. Interventions were primarily clarification of points - often a translation problem. Following these reports, upon a recommendation intervention of Switzerland, it was agreed that all individual Rapporteur reports would be made available to the Parties by the Secretariat.

¶34. The second day of the Closing Plenary agenda opened with the report of the OEWG and actions on the recommendations to the seven proposals. Debate among the Contracting Parties took place, as each proposal was called out and considered.

¶35. The second day also considered the draft Summary Report of the

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Third Meeting. Of particular note was the approval of the Dates of the 4th Review Meeting:

May 10-11, 2011 Organizational Meeting  
(12 months before Review)  
October 7, 2011 National Report Deadline  
(7 months before Review)  
February 7, 2012 Questions and Comments  
(3 months before Review)  
April 7, 2012 Answers to Questions Deadline  
(1 Month before Review)  
May 7-16, 2012 4th Review Meeting

¶36. On the third day of the Closing Plenary the Contracting Parties finished adopting the text of the Summary Report and that of the draft President's Report.

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Other Business  
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¶37. New Contracting Party. The President informed the Contracting Parties that Portugal had submitted its ratification credentials and was the 49th Contracting Party.

¶38. Opening the Review Meetings to the Public. France proposed the Closing Plenary Session take up a debate on opening the Review Meetings to the public. A U.S. intervention stated the United States agreed with the French delegate in making our National Report public as well as the questions and answers for this Review Meeting, which is the practice of the U.S. However, that decision should be up to each Contracting Party. Moreover, to open the meeting would defeat the purpose of open and free exchanges between Contracting

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Parties to learn from each other and was in direct conflict with the Joint Convention itself (Paragraph 4). The U.S. Representative stated the United States opposes taking up time to debate on an issue that would require a Diplomatic Conference; blocking consensus. An intervention by Russia and Brazil supported the U.S. The President indicated the French proposal would be included in the President's Report.

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Side Meetings  
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¶39. The U.S. Representative participated in a 30-minute press interview, at the request of reporter Ann MacLachlan, arranged by the UNVIE Mission press officer. The interview appeared in the May 28, 2009 (pages 13-15) McGraw-Hill Platts publication "Nucleonics Week." The article also included comments from a May 20, 2009 press conference held by the three Joint Convention Officers.

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Country Review Group Sessions  
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COUNTRY REVIEW GROUP I

¶40. UNITED STATES

All members of Country Group 1 were in attendance throughout the U.S. presentation. The discussion and question session following the presentation was very informative. During the U.S. presentation, 16 questions were raised to the United States. The U.S. delegation was represented by ten members, comprised of representatives from the Department of State, Department of Energy, the Nuclear

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Regulatory Commission (NRC) and the Environmental Protection Agency (EPA). Christine M. Gelles, Department of Energy, led the presentation, and other delegates assisted with responses to the very detailed questions posed by the other Contracting Parties.

¶41. Many countries commented on the organization and depth of both the U.S. National Report and the presentation. The key topics of interest were Yucca Mountain, clearance standards, regulatory interfaces, and Greater-than-Class-C disposal.

¶42. Highlights of the U.S. activities included the current status of the Yucca Mountain repository proposal, the establishment of a "Blue Ribbon Panel" to evaluate alternatives to the proposed Yucca Mountain repository for management of spent fuel and high level radioactive waste, beginning the preparation of the Greater-than-Class-C (GTCC) low-level waste (LLW) Environmental Impact Statement (EIS) and finalization of the final EIS in 2010, and obtaining regulatory approval for remote-handled transuranic (TRU) waste.

¶43. The good practices that were recognized included public involvement in the decision making process including transparency, the Global Threat Reduction Initiative which improves international safety, and increased focus on domestic disused sealed source tracking, collection and disposition. In addition, NRC published regulations that implement the National Source Tracking System, the foreign research reactor program, continued success in remote-handled TRU waste disposal at WIPP since 2007, and active involvement, support, and promotion of the Joint Convention. However, a few initiatives were identified as challenges which included: disposal of spent fuel and high level waste, GTCC LLW disposal, and LLW Class B & C access to disposal.

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¶44. Planned measures to improve safety in the U.S. are spent fuel and high level waste storage and disposal, commercial LLW disposal and the Megaports initiative to provide radiation detection

equipment and training program at key international seaports to screen cargo containers for nuclear and other radioactive materials and GNEP follow up.

#### OTHER CONTRACTING PARTIES IN COUNTRY GROUP I

¶45. In addition to the United States, other members of Country Group I included: Netherlands, Croatia, Romania, Denmark, Belgium, Uzbekistan, and Spain. Uzbekistan, a new ratifier, did not prepare a national report and did not participate in the review meeting.

¶46. Netherlands has a policy of storing its waste for 100 years before disposal. Continuity of knowledge and competencies for this storage period remains a challenge. There is no specific schedule or decision date for the repository. Public acceptance for geologic disposal remains low despite good efforts to communicate safety. The Borssele NPP lifetime has been extended to 2033, and the storage facility (COVRA) capacity is being extended past 2015. The Dutch and French governments continue to work on a new agreement for return of HLW from reprocessing, which would allow transport to continue. A dedicated hot cell to condition and repackage HLW from past research is under construction and expected to begin operations by the end of 2010.

¶47. Croatia has made significant progress in implementation of a regulatory framework, radioactive waste management capabilities including disused sealed source management, and cooperation with neighboring Slovenia (Croatia shares a nuclear power plant that is located in Slovenia). Continued progress is expected as Croatia completes a national waste management strategy and continues to

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develop a central storage facility for its limited amount of waste. Croatia is exploring public participation/involvement in its activities.

¶48. Romania has made excellent progress since the last review meeting. It has taken full advantage of international opportunities for assistance and cooperation, including using existing US, Canadian, EU, IAEA, and ASME guides and standards to inform domestic regulation. Romania enjoys strong government support of its nuclear program. It has an evolving public participation program - new to all parties. Some of the continuing challenges are licensing of a new disposal facility (Saligny), funding for dismantling a research reactor, and closure of uranium mill tailing ponds and rehabilitation of sites. Improving staff resources and improving the organizational structure continue to be challenges.

¶49. Denmark is showing significant progress in decommissioning research reactors as it phases out its nuclear facilities. A final repository for low and intermediate level waste was unanimously endorsed by all parties, and the next challenging steps are selection of disposal options and sites. Denmark involves all participants in planning, and takes full advantage of international cooperation to help maintain competence and knowledge.

¶50. Belgium is continuing to phase out nuclear energy. The Belgonucleaire MOX fuel fabrication plant has ceased operation and will soon be decommissioned. A National Waste Management Plan is expected in 2010. A decision was made to develop a LILW SL repository. Belgium has recently modified its regulatory structure in accordance with EU directives. A regulatory framework for licensing of future long-term storage and disposal facilities is a challenge. A final disposal solution for historical uranium materials also remains as a challenge.

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¶51. Spain has not made a decision on the final option for spent fuel and HLW, but continues to conduct research supporting disposal, transmutation and separations. Spain plans on a central storage facility for spent fuel, but no community has volunteered. Interim storage at reactors is the fall-back. For financial purposes Spanish authorities are assuming HLW disposal site selection

beginning in 2025 leading to construction in 2041. ENRESA is currently being converted to a public company under administration.

## COUNTRY REVIEW GROUP II

¶52. Country Group II was composed of Belarus, China, Estonia, France, Lithuania, Senegal, the Slovak Republic, and South Africa. All members were represented at the review meeting. However, Senegal entered the Joint Convention on March 24, 2009, and did not provide a report or presentation. Countries of the Former Soviet block, i.e., Belarus, Estonia, Lithuania, and the Slovak Republic, asserted responsibility for nuclear waste management and remediation of materials abandoned following the collapse of the Soviet Union. Along with other countries in Country Group II, new legislation, regulations, and organizations have been established to manage radioactive waste activities in a safe and transparent manner. The lack of adequate human resources and the preservation of knowledge is an overall concern. France plans to develop a geologic repository to dispose of high-level radioactive waste and is conducting geological surveys and consulting with local communities. South Africa and China presented the results of their first National Reports. South Africa plans to visit with U.S. agencies this year to obtain information on managing low-level radioactive waste sites. China continues to seek international cooperation in strengthening its regulatory standards and guidelines for managing

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radioactive waste. For the purpose of long term spent fuel management, Lithuania will continue to store spent fuel for the next 50 years while considering a regional repository, reprocessing, and/or a national repository. The Country Group II was informed that the U.S. continues to support China in nuclear related areas under a cooperative Peaceful Uses of Nuclear Technology Agreement and had urged China to become a participant in the Joint Convention.

## COUNTRY REVIEW GROUP III

¶53. The Slovenian situation is unique in that the country has one nuclear power reactor, which is shared with Croatia, even though the site is completely within Slovenian territory. Slovenia has sufficient room in the spent fuel pool to store all their spent fuel assemblies for the life of the reactor operations. Authorities plan on putting spent fuel in dry storage starting in 2037 until the repository is in operation in 2070. Slovenia is storing all LILW created at the NPP on-site and is running out of capacity. It is in the final stages of siting a LILW repository, which it plans on opening in 2013. Slovenia has completed remediation of the Jazbec mine and expects to have the Bort mill tailings site remediated in ¶2010.

¶54. Sweden has ten operating nuclear power plants (that supply 45% of the country's electricity) and two that have been shut down due to the anti-nuclear referendum in the country. Sweden has a comprehensive regulatory framework in place and has made good progress on repository projects. Their policy of transparency and openness has contributed to a high level of acceptance by the public of the repositories. They have an established finance system for decommissioning and disposal that provides funding for the implementation of the Swedish waste management system.

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¶55. Austria has no nuclear power plants and electricity generated by nuclear sources is not allowed by law. However, Austrian law does not prohibit building a repository in Austria. The country's challenges include finding a solution for the ultimate disposal of the small amount of radioactive waste. Austria has financial requirements/instruments in place for radioactive waste management, but Austria prefers an international or regional solution for waste disposal. The Austrians may need to revisit their national approach if no international solutions are available.

¶56. Euratom is a regional organization consisting of the 27 European Union member states, all of which are members of the Joint Convention. While it does not have any nuclear power plants of its own, Euratom is a large producer of radioactive waste from research activities at the Joint Research Centre's (JRC) four locations. Decommissioning at Euratom research sites is steered by the JRC but implemented by the member states, except for Ispra, which is currently managed by JRC. Disused sealed sources are collected and stored at a third-party facility. Loans by Euratom are available both to Member States and some non-member states. Euratom has spent 287M euros over a 5-year period for dose reduction efforts.

¶57. Bulgaria became a Member of the EU since the last report. Bulgaria is exporting spent fuel to Russia for reprocessing. Currently Russia is reprocessing VVER-440 fuel, but a contract is not in place for reprocessing of the VVER-1000 fuel. Belgium has instituted a "Polluter Pays" policy and is collecting funds for nuclear facility decommissioning and a radioactive waste fund. Bulgaria instituted a state enterprise in 1994 for remediation of its three uranium mining and milling sites.

¶58. The 3rd Review Meeting was the first review of a National Report

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submitted by Brazil. Brazil ratified the Joint Convention just before the second Review Meeting and too late for a review at that time. Brazil has two operating nuclear power plants, one under construction, and others planned in the long term. The country also uses radioactive materials, mines uranium, and has a number of facilities in the nuclear fuel cycle. Good practices cited were the disposal of waste from the Goiana sealed source accident in 1987, the decommissioning and unrestricted release of a uranium/thorium site with widespread contamination and subsequent redevelopment of the site, and the recovery of sealed sources by the National Nuclear Energy Commission (CNEN). Challenges facing the country are establishing a long-term policy for spent fuel (whether to dispose of or reprocess), establishing a decommissioning policy for research reactors, siting and construction of a LILW facility, establishment of a separate regulatory body, and establishment of a robust funding system for all waste management liabilities. With the exception of the Goiana wastes, Brazil stores all of its LILW and spent fuel at this time.

¶59. Morocco has a small nuclear materials program, consisting of a recently-licensed TRIGA research reactor, which has not yet started operation, as well as sealed sources that are used in medicine, research, and industry. Spent fuel will be returned to the U.S. until 2019, and after that will be placed in long-term storage. The other source of radioactive waste, disused sources, are centrally stored. Morocco has plans to create one regulatory body for both the research reactor and sealed sources in place of the two now in existence. Challenges include developing decommissioning and disposal plans for LILW, establishing financial provisions to address disposal and decommissioning, and adoption and implementation of a new law regarding radiation protection and nuclear safety.

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¶60. Japan has 53 operating NPPs and 4 under construction. Japan took steps to establish the Asian Nuclear Safety Network with cooperation through IAEA for information sharing. Wastes from non-nuclear power plants are managed by a different regulator than similar radioactive waste from nuclear power plants. The Japanese are in the early stages of discussions with locales on a disposal facility for the radioactive waste from non-nuclear power plants, but already have a disposal facility for radioactive waste from their NPPs at Rokkasho.

COUNTRY REVIEW GROUP IV

¶61. United Kingdom has confirmed the use of the nuclear power option. The UK's waste management policy is based on geologic disposal. The regulatory organizations have recently been



reorganized. Obtaining additional expert waste management staff has been a challenge. A site selection process for a geologic repository is proceeding based on partnership with volunteer communities. Three local authorities have expressed interest in hosting a facility. Nine nuclear power reactors and 4 research facilities will soon be undergoing decommissioning, generating large volumes of low-level radioactive waste. Expansion of LLW disposal capacity is planned.

¶62. This was Nigeria's first participation in the Joint Convention. An independent regulatory body has been established. Additional legislation and regulations for waste management are under development. Additional regulatory staff is being trained on radioactive waste management. There are currently no nuclear power plants (NPP), but a decision has been made to operate a NPP by 2017. The U.S. Department of Energy has provided assistance on the disposition of unused radioactive sources. There are over 1,000 abandoned mine tailing sites with high thorium content in the

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Central Plateau region, which need to be remediated.

¶63. Greece has no nuclear power plants. A small research reactor is no longer in operation. There are no radioactive waste disposal facilities in Greece, nor any intent to develop any. Sealed sources are returned to the country of origin. Spent fuel from the research reactor is returned to the United States. Other waste is stored for decay. Greece hopes to rely on a regional or bilateral facility for eventual disposition of wastes, which will not decay to release levels. However, there are no plans for such a facility and no discussions have been initiated with other countries.

¶64. Argentina has two operating nuclear power plants and one in construction. It has complete fuel cycle facilities - mining through fuel element manufacture. It manufactures and exports sealed sources. However, it will not accept import to return sealed sources unless they are for reuse. No disposal facilities for radioactive waste disposal are currently in operation. It is in the process of establishing new storage facilities for spent fuel and new disposal facilities for low-level waste. Research and development activities on a deep geologic repository are planned.

¶65. Luxembourg has no nuclear power plant or any other facility generating radioactive material. Radioactive wastes come from medical applications and use of radioactive sources. There is a completely developed regulatory organization and legislative and regulatory framework. Waste is stored for decay. The small quantities of waste which require disposal are transferred to Belgium for disposal under an agreement.

¶66. The Czech Republic has six nuclear power reactors and three research reactors. There is a completely developed regulatory structure. It has spent fuel storage facilities and operational

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low-level waste disposal facilities. Reconstruction of a disposal chamber at the Bratstvi repository is planned. Investigation of seven potential deep geologic repository sites is scheduled to start in 2010, with the choice limited to at least two sites in 2015. The commissioning of the deep geologic repository is planned for 2065.

¶67. Ukraine has 15 operational nuclear power plants. At Chernobyl the destroyed NPP has been covered with a shelter facility and the other three units are permanently shut down. Eight urgent measures to stabilize the shelter have been completed and the stabilization project is complete. A contract has been issued for design and construction of a New Safe Confinement. Spent fuel is reprocessed abroad or in interim storage. Low-level waste is currently in storage, but the first three disposal facilities at the Vector Complex have been constructed and the license application is under review.

¶68. Australia is a federation of six states and two territories,

each regulating radioactive materials. Progress continues to be made in harmonizing the regulation of radioactive materials use in these independent entities. The country has three research reactors (one operating and two in decommissioning), uranium mines, and sealed sources that are used in medicine, research, and industry. Developments in uranium mining include the approval of remediation funding for one existing mine, and the expansion of uranium mining, including the fact that the new state government in Western Australia has a policy to allow uranium mining. In general, licensees are responsible for storing their waste. There is limited storage by governments, however (the Commonwealth, e.g. has a storage facility). Australia recognizes the need for a national disposal facility and is committed to selecting a site before the next national election, or before the end of 2010.

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#### COUNTRY REVIEW GROUP V

¶69. Country Group V was composed of Italy, Iceland, Republic of Korea, Latvia, Switzerland, Norway, Germany, and Uruguay. Uruguay submitted a National Report but did not attend this Review Meeting. A number of these countries have recently enacted legislation to update the legal and regulatory infrastructure directly affecting the means and reporting for the Joint Convention. Korea, Italy, and Germany are experiencing the effects the expected shakedown process of dealing with the implementation of the revised system. Although most of the countries are having a contentious process in selecting and siting potential radioactive waste disposal repositories, Germany is faced with remediation and possible refurbishment of its three current repositories. Many of these countries have made significant commitments to involving the localities and the public. Italy and Korea have provided the public a more formal role in the selection and siting process. For the purpose of long term radioactive waste management, centralized storage for radioactive waste or spent fuel seems to be the realistic path for most or the participating Contracting Parties, although eventual disposal is still maintained to be the most reliable disposition for radioactive waste. The smaller countries in the Country Group, Iceland, Norway, and Latvia, have no nuclear power plants; the current global economic situation has led to some realistic strategies to optimize their resources, they still indicated that there are continuing funding challenges.

#### COUNTRY REVIEW GROUP VI

¶70. Country Group VI consisted of Canada, Finland, Hungary, Ireland, the Kyrgyz Republic, Poland, Russia, and Tajikistan. The Republic of Kyrgyz and Tajikistan became Contracting Parties after the Second

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Review Meeting. The Republic of Kyrgyz did not prepare a National Report and did not attend or give a presentation at the Third Review Meeting. Tajikistan also did not give a presentation and did not attend the meeting; however, the rapporteur prepared a report based on the National Report. The report emphasized Tajikistan's efforts to address the legacy of uranium mining and milling, as well as the tracking and collection of disused sealed sources.

¶71. Russia's presentation highlighted the extensive legal framework being established for its spent fuel and radioactive waste management program; since the Second Review Meeting, Russia has passed or drafted several laws, transferred its regulatory body (Rostekhnadzor) to the jurisdiction of the Ministry of Natural Resources and Environment, and combined the Federal Atomic Energy Agency with other organizations involved in nuclear applications into a state corporation charged with control of atomic energy (Rosatom). Discussions during the Third Review Meeting focused on the relationship of these government bodies and the continuing practice of injection of liquid radioactive wastes into deep geologic formations.

¶72. Ireland is a non-nuclear country whose primary radioactive waste is disused sealed sources from the medical, education, and

industrial sectors. The most pressing issue, which was the subject of several questions, is the near-term development of long-term centralized storage and a high-level group convened by the government to examine alternative strategies, including disposal.

¶73. Finland described its extensive program to manage radioactive wastes from all sources, including efforts to develop geologic disposal of spent nuclear fuel, for which a license application is expected in 2012. Finland's public participation process is especially noteworthy in leading to community acceptance of the

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existing and planned disposal facilities.

¶74. Poland identified several major efforts underway, the most significant of which is a government decision in January 2009 to develop a nuclear power program, with the goal of at least two plants operating by 2030. This will require development of expertise by both regulators and operators that do not exist at present.

¶75. Hungary is taking action on multiple fronts, including upgrading its spent fuel storage, refurbishing its current near-surface low-level waste disposal facility, constructing a new low- and intermediate-level waste disposal facility, investigating sites for a geologic repository for spent fuel, and remediating uranium mining and milling facilities. Hungary was especially commended for its extensive and effective public involvement programs leading to community acceptance for the new LILW disposal facility.

¶76. Canada has made progress in several areas since the second Review Meeting, most notably in the government's adoption of an Adaptive Phased Management (APM) strategy for long-term management of spent fuel from nuclear power plants. Canada's emphasis on public consultation and community-based solutions is a central element of the APM strategy.

¶77. Items of particular U.S. interest in Group 6 include:

- Ireland possesses a sub-critical uranium fuel assembly, which was provided by the U.S. under the "Atoms for Peace" program. The assembly is currently in secure storage and is subject to IAEA inspection, but Ireland desires to have it removed. To this point, no agreement has been reached to have the U.S. take possession of the fuel.

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- Tajikistan faces issues that appear to be common to many former Soviet republics in addressing legacy issues. Specifically, Tajikistan noted in its National Report that many records from the former uranium mining and milling sites were apparently taken back to Russia by the site operators. The government believes these records would be useful in characterizing the extent of environmental contamination, but Tajikistan has, thus far, been unable to obtain them. Tajikistan also has many sealed sources of Soviet origin, including Radioisotope Thermal Generators (RTGs), which it is attempting to return to Russia.

- Canada is developing a geologic disposal facility for low- and intermediate-level waste from Ontario Power Generation (OPG) in Kincardine, which is roughly 1.5 kilometres from Lake Huron. This planned repository has prompted notice from members of the U.S. Congress.

- Several countries highlighted assistance from the U.S. on important issues related to safety and security of spent fuel and radioactive waste management:

- o Tajikistan is receiving assistance from NRC, DOE, and Sandia National Laboratory in tracking and controlling sealed sources, as well as in upgrading its existing waste management facility;

- o Poland has received assistance through the Global Threat Reduction Initiative in converting the Maria research reactor to the use of low-enriched uranium fuel and in the disposal of HEU fuel from Maria and the EWA research reactor within the scope of agreements with

Russia to take Soviet-origin research reactor spent fuel. (Poland is also a signatory to the Global Nuclear Energy Partnership).

o Hungary received assistance through a joint IAEA-U.S. effort to reach agreement with Russia to take back highly-enriched Soviet-origin research reactor fuel. The first shipment was in

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September 2008 following negotiations and preparation beginning in 2004; additional shipments of fresh HEU fuel are planned in 2009, with shipments of spent HEU fuel scheduled for 2012.

o Russia is involved in partnerships with the U.S. and IAEA to assist former Soviet republics in tracking, controlling, and managing sealed sources (seven former republics have benefited from this program); and

o Finland has received technical advice from U.S. experts in developing its program for geologic disposal of spent fuel.

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Reports of Country Group Rapporteurs  
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¶78. All Contracting Parties (CP) of CG 1 satisfied the obligations under the Joint Convention. This country group found that the process is working and provides a constructive exchange. The Review Meeting process is improving, allowing progress to be made with a noted increase in global safety.

¶79. The CG 2 identified several common issues: legal and management infrastructures are in place for SF and RW management; including independent regulatory bodies; CPs have identified responsible organizations in charge of SF and RW; several CPs identified the need to maintain and expand the knowledge and human resources; waste classification is in place, but varies between CPs; all CPs have recognized the need to solve the issue of legacy waste; several have already initiated actions; CPs have decommissioning plans in place where appropriate; disused sealed sources are a common concern to all CP's, and most of them have established a management plan; all

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CPs recognize the importance of international cooperation; all CPs are considering deep geological disposal for SF, HLW and, in some cases, for LL-LILW; several CPs highlighted their policy of waste minimization at source, and progress has been made in funding of RW management, but CPs remain aware of the need to continue to pay special attention to the subject.

¶80. The CG 3 noted that CPs have made significant progress since the last Review Meeting both in the enhancement of safety of SF and radioactive waste management. Nevertheless, much needs to be done to achieve appropriate long-term solutions for SF and RW. CG 3 also found most countries have a strong legislative and regulatory system is already in place, although further improvements are planned in some countries. Many CPs have adopted IAEA Safety Standards as a basis for their own regulatory system. Most CPs have taken steps to ensure the financing of liabilities from nuclear power generation and other nuclear applications. Some needs for further action are recognized. The main challenge remains the siting, construction, and operation of SF and RW repositories. Regarding SF, the first repository is currently planned to be available in the early 2020s. For the disposal of LILW different options are considered. In most cases, near-surface repositories or repositories at intermediate depth are either already in operation or in the planning stage. Two CPs in the group are interested in international or regional solutions for SF or RW disposal. For CPs with no nuclear power program, the final management of institutional RW wastes, including disused sealed sources could be a major challenge. The assurance of human resources and maintaining know-how has generally been recognized as a challenging issue. Some CPs are increasing efforts to recruit and train qualified staff. International information exchange should be enhanced, especially to promote the transfer of

knowledge between countries with advanced nuclear programs and countries with no or only small nuclear programs. The experiences

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of CG 3 demonstrate the value of the review process to CPs with nuclear programs of all sizes and levels of complexity. CPs should promote the benefits of the Joint Convention Review Process to other countries and encourage them to become CPs.

¶81. The CG 4 found significant progress in the safety of SF and RW management has been achieved since the Second Review Meeting, in particular in the management of disused and orphan sources. International cooperation and IAEA Safety Standards are playing an important role (direct reference, incorporation in legislation, benchmarking). CPs recognize the strong commitment of regulatory authorities to self-assessments and peer reviews (IRRS missions). Promoting the Joint Convention is an ongoing challenge. Nigeria and Australia are good models of CPs committed to the promotion of the Joint Convention within their regions. IAEA should continue its support of such efforts.

¶82. The CG 5 found most CPs have defined a national action plan for SF and RW management, and substantial progress is visible in implementation of the plan. Interim storage is an established and widespread predisposal practice. The site selection process of repositories remains a major challenge, in particular due to social-political factors, while ad hoc Committees (local, regional or national) may facilitate the process. Transparent processes and public participation are key to a successful program implementation.

¶83. The CG 6 CPs are still developing regulatory framework for RW and SF management - although at different stages. Application of similar principles occurs with operators, licensees and other RW and SF management organizations. Recruitment and education of qualified new people to replace aging people remains an issue in some CPs. The importance of public involvement was highlighted. IAEA safety

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standards are generally followed.